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CHARTER FOR THE CITY OF GALLIPOLIS, OHIO, TO BE VOTED UPON AT AN ELECTION TO BE HELD ON TUESDAY, JULY 24, 1917.

PREAMBLE

We, the people of the City of Gallipolis, State of Ohio, pursuant to the provisions of the Constitution of the State of Ohio, extending to Municipalities the privileges of "Home Rule" in order to obtain the benefits of local self-government, to encourage more direct and business-like methods in the transaction of our Municipal affairs, and otherwise promote our common welfare, do adopt the following Charter for the governing of our City:

POWERS OF THE CITY

SECTION 1. The inhabitants of the City of Gallipolis, Ohio, as its limits now are, or hereafter may be established, shall continue to be a body politic and corporate, to be known as "The City of Gallipolis, Ohio," and as such shall have perpetual succession. It shall have and may exercise all powers which it may now or hereafter would be competent for this Charter specifically to enumerate, as fully and completely as enough said powers were specifically enumerated herein; and no enumerated nor particular powers shall be held to be exclusive.

FORM OF GOVERNMENT—STATEMENT OF FORM

SECTION 2. The form of government provided in this Charter shall be known as "The Commission Manager Plan." The City Commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations, appoint a chief administrative officer known as "City Manager," and exercise all powers as herein provided.

CITY COMMISSION—CREATION AND POWERS

SECTION 3. There is hereby created a City Commission to consist of three electors of the City, elected at large, who shall hold office for a term of four years, beginning on the first day of January, after their election.

All the powers of the City, except as otherwise provided in this Charter, or by the Constitution of the State, are hereby vested in the City Commission; and, except as otherwise prescribed by this Charter or by the Constitution of the State, the City Commission may, by ordinance or resolution, prescribe the manner in which any power of the City shall be exercised.

QUALIFICATIONS OF MEMBERS

SECTION 4. Each member of the City Commission, for at least five years immediately prior to his election, shall have been, and during his term of office shall continue to be, a resident of the City of Gallipolis, Ohio, and shall have the qualifications of an elector therein. He shall not hold any other public office or position of public character, except that of Notary Public or member of the State Militia, except as otherwise provided in this Charter, and shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality.

Any Commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office and any such contract in which any member is or may become interested, directly or indirectly, may be declared void by the other members of the City Commission.

No candidate for the office of City Commissioner shall make any personal canvass among the voters to secure his nomination or election, or the nomination or election of any other candidate at the same election, whether for municipal, county, state or other office. He may cause notice of his candidacy to be published in the newspapers, and may procure the circulation of a petition for his nomination; but he shall not personally circulate said petition, nor by writing or otherwise, solicit any one to support him or to vote for him. He may insert over his own signature statements of his position on matters of public interest in not to exceed three issues of the newspapers of the City. Such statements shall be printed in the body type of the paper, and shall not in the aggregate contain more than fifteen hundred words, and the last statement, so inserted, shall be published not later than five days before the election. Except as otherwise herein provided, he shall not expend or promise any money, office, employment or other thing of value to secure a nomination or election; but he may answer such inquiries as may be put to him and may declare his position publicly upon matters of public interest, but only by addressing public meetings or as otherwise provided herein. A violation of these provisions or any of them, shall disqualify him from holding office, if elected, and the person receiving the next highest number of votes, who has observed the foregoing provisions, shall be declared elected to the office.

POWERS OF THE COMMISSION

SECTION 5. The Commission shall be the judge of the election and qualifications of its own members, subject to review by the Courts. Any member of the Commission who shall have been convicted of a crime while in office shall thereby forfeit his office. Neither the Commission, nor any of its members, shall dictate, solicit or advise the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service, except as otherwise provided herein.

Except for the purpose of inquiry, the Commission and its members shall deal with the administrative service solely through the City Manager, and neither the Commission nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately. Any such dictation, prevention, orders, or other interference on the part of a member of the Commission with the administration of the City Manager shall be considered a disqualification of such member from holding the office of Commissioner, and, upon proof thereof, such member shall be removed from office. No member of the City Commission shall be appointed City Manager during the term for which he was elected or appointed.

VACANCIES

SECTION 6. Any vacancy in the City Commission, except as otherwise provided in this Charter, shall be filled by vote of the two remaining members.

If by reason of the resignation, death, failure to elect or other circumstance, two or more vacancies exist or occur at the same time in said Commission, or if the City Commission fails to fill any vacancy within ten days after the same occurs, then the Trustees of the Sinking Fund shall make such number of appointments as may be necessary to constitute a City Commission of two qualified members, which two members shall at once proceed to fill the remaining vacancy as hereinbefore provided. The Clerk of the Trustees of the Sinking Fund shall cause his certificate of their action to be entered on the Journal of the City Commission.

SALARY

SECTION 7. The members of the City Commission shall serve without compensation.

PRESIDENT

SECTION 8. The City Commission shall, at the time of organization, elect by majority vote of all of the members of the Commission, one of its members as President and another as Vice President for the full term of four years. In case the members of the City Commission, after having taken ten ballots, which ten

ballots must be taken within three days after the time herein fixed for their organization meeting, are unable to agree upon a President or a Vice President, the President is absent, of the Sinking Fund Trustees, shall elect by lot among the members of the City Commission, one of those voted for. If, for any reason, the two remaining candidates shall have an equal number of votes, the tie shall be broken by the President of the Sinking Fund Trustees.

The President shall preside at all meetings of the City Commission, and perform such other duties consistent with his office as may be imposed by it, and shall have a voice and vote in its proceedings, but no veto. He may use the title of Mayor in any case in which the execution of legal instruments or writing or other necessity arising from the general laws of the State so requires, but this shall not be construed as conferring upon him the administrative functions of a Mayor under the general laws of Ohio.

The President of the City Commission shall be recognized as the official head of the City for the purpose of serving Civil Process; by the Governor, for the purpose of Military Law; and for all ceremonial purposes. He shall take command of the Police and Fire Departments and govern the City by Proclamation during public danger or emergency, and he shall himself be judge of what constitutes public danger or emergency; however, such a public danger or emergency Proclamation of the President of the City Commission may be terminated at any time by an affirmative vote of two members of the City Commission.

The powers and duties of the President shall be such as are conferred upon him by this Charter with such others as are conferred by the City Commission in pursuance of the provisions of this Charter and no others.

If the President be temporarily absent from the City, or becomes temporarily disabled, for any cause, his duties shall be performed during such absence by the Vice President. In the absence or disability of the President and Vice President, the other members shall elect one of their number to perform the duties of President.

MEETINGS

SECTION 9. The City Commission shall meet on the second day of January following a municipal election, at 8:00 o'clock p. m. at the usual place of holding the meetings of the legislative body of the City, except if such day fall on Sunday, then on the day following, at the same place. The newly elected Commissioners shall assume the duties of their office. Thereafter, the City Commission shall meet at the times as may be prescribed by ordinances or resolution, and it shall meet regularly not less than once every month. The President, and two members of the Commission, or the City Manager, may call special meetings of the Commission upon at least 24 hours' written notice to each member, served personally or by mail at his usual place of residence. All meetings of the City Commission shall be public, and any citizen shall have access to the same by ordinance and records thereof at all reasonable times. The City Commission shall keep a Journal of its proceedings.

PENALTY FOR ABSENCE

SECTION 10. Absence from five consecutive regular meetings shall operate to vacate the seat of a member, unless the absence is excused by the Commission by resolution setting forth the reason for such excuse upon the Journal.

LEGISLATIVE PROCEDURE

SECTION 11. A majority of all the members elected to the City Commission shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of at least two members shall be necessary to adopt an ordinance or resolution, and the vote upon the passage of all ordinances and resolutions shall be taken by yeas and nays and entered upon the Journal.

ORDINANCE ENACTMENT

SECTION 12. The Legislative action of the City Commission shall be by ordinance or resolution, provided that this shall not apply to an action directing an official or a board to furnish the Commission with information as to the affairs of any office, department or board, or to action referring any matter for investigation to any official department or board.

Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subject and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the City Commission shall be, "Be It Ordained by the City Commission of the City of Gallipolis, State of Ohio." The enacting clause of all ordinances submitting to popular election by the initiative shall be, "Be It Ordained by the People of the City of Gallipolis, State of Ohio."

No ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right, or involving the expenditure of moneys, or the levying of a tax, or the purchase, lease, sale or transfer of property, unless it be an emergency measure, or unless otherwise provided by this Charter, shall be passed until it has been read at two meetings, not less than two weeks apart, or to the requirement of such reading has been dispensed with by an affirmative vote of all of the members of the City Commission.

No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contain the entire ordinance or resolution or section revised or amended; and the original ordinance, resolution, section or sections so amended shall be repealed.

EMERGENCY MEASURES

SECTION 13. All ordinances and resolutions passed by the City Commission shall be in effect from and after thirty days from the date of their passage, except that the annual appropriation ordinance and all resolutions and ordinances providing for or pertaining to public improvements, to pay the costs of which special assessments upon the property benefited are to be made and not more than fifteen per cent of the cost of which is by the terms of such resolution or ordinance to fall directly upon the City, shall be in effect from and after fifteen days from the date of their passage; provided, however that the City Commission may, upon the written recommendation of the City Manager, by an affirmative vote of all of its members, pass emergency measures to take effect at the time indicated therein, but nothing in this section shall be considered to prevent, after the passage of any ordinance or resolution, the immediate giving of any notice, or the making of any publication, required by such ordinance or resolution.

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, health, safety or property, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto; but no measure, making a grant or letting a contract, renewal or extension of a franchise, or other special privilege, or regulating the rate to be charged for its service by

any public utility, or amending or repealing any measure adopted by the people at the polls or by the City Commission in compliance with an initiative petition, shall ever be regarded as an emergency measure.

RECORD AND PUBLICATION

SECTION 14. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the Clerk of the City Commission. Every ordinance of a general or permanent nature shall be published once within ten days after its final passage in the manner hereinafter provided.

Resolutions and ordinances providing for public improvement, to pay cost of which special assessments are to be made, need not be published; but within ten days after the passage of each, a notice shall be published as follows, the same being in addition to the notice required by law to be served on the property owners.

As to the resolution declaring the necessity of the proposed improvement, a notice shall be published headed, "Notice of Public Improvement," stating when the same was adopted by the City Commission, and setting forth the general nature and the extent of such improvement, including any change of street grade that is to be made, what part of the cost thereof is to be assessed against the property to be specially benefited thereby, and when water, gas or other connection can be made.

As to the ordinance determining to proceed with the improvement, a notice shall be published headed, "Notice of Determination to Proceed with Public Improvement," stating when the City Commission adopted the same, describing the character and extent of the improvement in general terms, and setting forth within what time assessments on property specially benefited may be paid in cash, and for what period and for what interest bonds will be issued for that portion of the assessment not so paid.

In regard to the ordinance to provide for the issue of bonds a notice shall be published headed, "Notice of Bond Issue for Public Improvement," stating when the City Commission adopted the same, describing the improvement in general terms, and stating the total amount of bonds issued, in what denomination, when maturing, how to be dated and numbered, the rate of interest, when and where payable, and the lowest price at which any portion of such bonds not taken by the Sinking Fund Trustees of the City will be offered for sale. Wherever practicable notices of the same character required to be published regarding separate improvements shall be combined into one notice under a single heading.

No resolution declaring it necessary to proceed with any public improvement shall be adopted until complete plans, specifications, profiles and estimates have been submitted to the City Commission and been approved by it; and said complete plans, profiles, specifications and estimates, or a copy thereof, shall thereafter be on file in the Office of the City Manager subject to inspection by the public.

PRICE AND MODE OF PUBLICATION

SECTION 15. All of the above mentioned publications, as well as all other newspaper publications made by the City, shall be published in a newspaper or newspapers of general circulation in the municipality in the body type of the paper and under neumes in eighteen point type specifying the nature of the publication; and where legally permissible, such publications shall be made but once and in one newspaper only.

The newspaper carrying such publication shall be paid a price per inch of space used and the lowest and best rate offered, not exceeding that which it receives from regular commercial advertisement of like nature for the quantity of space used. Whenever it may appear to the City Commission that the rates offered by such newspaper are unfair or exceed the usual rate charged commercial advertisers for advertisements of like nature, such other means of securing due publicity may be employed in lieu of newspaper advertising, as the Commission may by resolution determine.

CITY MANAGER

SECTION 16. The City Commission shall appoint a City Manager, who shall be the administrative head of the Municipal Government, subject to the provisions of this Charter, under the direction and supervision of the City Commission, and who shall hold office at the pleasure of the City Commission. He shall be appointed without regard to his political beliefs, but solely on the basis of his executive and administrative qualifications, and need not be a resident of the City at the time of his appointment. During the absence or disability of the City Manager, the City Commission may designate some properly qualified person to perform the duties of the office.

POWERS AND DUTIES

SECTION 17. The powers and duties of the City Manager shall be:

(a) To see that all laws and ordinances are enforced, except as otherwise provided herein.

(b) Except as herein provided, to appoint and remove all heads of departments, and all subordinate officers and employees of the City; all appointments to be made upon merit and fitness alone.

(c) To exercise control over all departments and divisions created herein, or that hereafter may be created by the City Commission except as otherwise provided in this Charter.

(d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the City Solicitor, who is hereby required to take steps as are necessary to enforce the same.

(e) To attend all meetings of the City Commission with the right to take part in the discussion, but having no vote.

(f) To recommend to the City Commission for adoption such measures as he may deem necessary or expedient.

(g) To keep the City Commission fully advised as to the financial condition and needs of the city, and

(h) To perform such other duties as may be prescribed by this Charter or be required of him by ordinance or resolution of the City Commission.

SECTION 18. Except as otherwise provided in this Charter, the City Manager shall be acting head of each and every department of the City, but with the consent of the City Commission, the City Manager may appoint a Deputy or Chief Clerk to represent him in any of said departments of which he is the acting head.

PLATTING COMMISSIONER

SECTION 19. The City Manager shall be the Platting Commissioner of the City and shall exercise the authority and discharge the duties of that office under the provisions of the General Laws of the State applicable thereto, except as the same may be modified by the City Commission.

CITY SOLICITOR

SECTION 20. There shall be a City Solicitor who shall be elected to said office for a term of four years and whose term of office shall begin on the first day of January next after his election.

The City Solicitor shall have the same qualifications as prescribed for members of the City Commission as provided in Section 4 of this Charter. He shall be nominated and elected on a non-partisan ticket, and the same rules and provisions governing the nomination and election of members of the City Commission shall apply to and govern the election of the City Solicitor. In case of a vacancy caused by death, resignation, removal or for any other cause, the City Commission shall appoint a City Solicitor to serve for the unexpired term.

DUTIES

SECTION 21. The City Solicitor shall be the judge of the Municipal Court in said City of Gallipolis, Ohio, and shall have all judicial powers now granted mayors of cities under the general laws and Constitution of the State of Ohio, and all powers that may hereafter be granted, either by statute of the State or by ordinance of the City Commission. The City Solicitor shall act as the legal adviser to, and attorney and counsel for the municipality and all of its officers in matters relating to their official duties. He shall prepare all resolutions, ordinances, contracts, bonds and any and all instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof; and no contract with the municipality shall take effect until his approval is thus endorsed thereon. In addition to such duties, he shall perform such other duties as may be required of him by the City Commission, as well as such as may be required of City Solicitors by the general laws of the State applicable to municipalities in accordance with the provisions of Section 78 of this Charter, and not inconsistent with any other provision of this Charter, or with any ordinance or resolution that may be passed by the City Commission.

Upon the written request of not less than two members of the City Commission, the City Solicitor shall cause an investigation to be made of the affairs of any department, or the conduct of any officer or employee of the city, or of the Commission itself. In making such investigations he shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by him and shall be served by an officer authorized by law to serve such process. He shall also have power to cause testimony to be given under oath to be administered by some officer authorized by law to administer oaths. And he shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge or to produce any books or papers under his control, relating to the matter under investigation.

He may appoint such assistants or special counsel as the City Commission may authorize.

DEPARTMENT OF FINANCE AND AUDITS

SECTION 22. The City Commission shall appoint a City Auditor who shall be the head of the Department of Finance and Audits and who shall hold office at the pleasure of the City Commission. He shall be appointed without regard to his political beliefs and shall be a person especially qualified by education and experience for such position. The City Auditor shall act as Clerk of the City Commission, Clerk of the Board of Sinking Fund Trustees, and Clerk of the Municipal Water Works Department. His duties may further be combined with the duties of any other office not inconsistent therewith. He shall be the custodian of all moneys of the Municipality, and shall keep and preserve the same in such manner and in such place or places as shall be determined by the City Commission.

In addition to such duties he shall perform such other duties as may be required of him by the City Commission as well as such as may be required of City Auditors and City Treasurers by the general laws of the State applicable to municipalities in accordance with the provisions of Section 78 of this Charter and not inconsistent with any other provision of this Charter or with any ordinance or resolution that may be passed by the City Commission.

He shall issue all warrants for payments of money by the City and shall require the City Manager's signature to all such warrants in addition to that of his own and that of the head of the department for which the money is drawn and appropriated. He shall keep a complete account of all taxes and assessments of all moneys due to, and all receipts and disbursements by the Municipality, of all its assets and liabilities, and of all appropriations made by the City Commission.

He shall prescribe the form of reports to be rendered to his department, and the method of keeping accounts by all other departments, and he may require reports to be made to him monthly by each department or more often if required by the City Commission, showing the receipt of all moneys by each department and the disposition thereof. Upon the death, resignation, removal or expiration of the term of any officer, the City Auditor shall audit, or cause to be audited, the accounts of such officer, and if such officer shall be found indebted to the Municipality, he shall immediately give notice thereof to the City Commission and the City Solicitor, and the latter shall forthwith proceed to collect the same.

At the beginning of each month the Auditor shall file with the City Commission a complete statement of the financial condition of the Municipality upon blanks to be prepared to the satisfaction of the City Commission, which blanks shall show fully and in detail the exact status of the City funds, the receipts and disbursements of each department or office of the City for the previous month, and a comparative statement covering the same relative period of the two consecutive years just prior, as well as such other information as shall be required by the City Commission.

Whenever it is thought necessary by the Board of Sinking Fund Trustees, it shall be the duty of the Sinking Fund Trustees to have the Department of Finance and Audits fully audited by some competent public accountant, upon receipt of which audit the Sinking Fund Trustees shall cause the same to be properly vouched for and signed by the Sinking Fund Trustees, who shall in turn cause the same or an abstract thereof to be published in accordance with the provisions of Section 15 of this Charter.

The City Auditor may appoint such deputies and clerks as the City Commission may authorize, and shall give surety bond in a company authorized to do business in Ohio, for such an amount as the City Commission may determine and the City shall pay the premium therefor.

PROCEDURE FOR REMOVAL OF APPOINTIVE OFFICERS

SECTION 23. Upon the presentation to the City Commission of a petition containing the signatures of electors of the City of Gallipolis, Ohio, equaling in number not less than twenty per cent of the number of electors who voted at the last regular or municipal election, requesting the removal of the City Manager, or any other officer of the City appointed by the City Commission, said Commission shall immediately set a time for a public hearing not later than ten days from the date of the filing of said petition. Said petition shall also contain the charges against said officer whose removal is sought, and shall, so far as applicable, be circulated and signed in accordance with the provisions of Section 75 governing the circulation of initiative petitions, and shall have written or printed thereon the names and addresses of at least five electors, who shall be officially regarded as filing the petition, and who shall constitute a committee for the prosecution of the charges against said officer. Not later than five (5) days after the conclusion of said public hearing, said City Commission shall proceed to vote upon a resolution to remove said officer by yeas and nays of every member of the City Commission. Any member refusing to vote shall be recorded as voting nay, and the vote upon said resolution shall be entered upon the Journal, and a copy of such record shall be inserted by the Clerk of the City Commission in a newspaper of general circulation in the City of Gallipolis, Ohio, in accordance with Section 15, but this section shall not be construed as in any manner abridging the powers of the City Commission on its own initiative to remove officers appointed by said City Commission as provided in other sections of this Charter.

SECTION 24. The City Auditor shall have charge of the preparation and certification of all special assessments for public improvement; and the mailing of notices of such assessments to property owners and all other duties connected therewith; the collection of such assessments as are payable directly to the City and preparation and certification of all unpaid assessments to the County Auditor for collection. He shall collect all fees for

licenses issued under and by authority of the City Commission and shall pay the same into the City Treasury in the manner provided by ordinance, but the City Auditor shall not be authorized to issue licenses.

PAYMENT OF CLAIMS

SECTION 25. No warrant for the payment of any claim shall be issued by the City Auditor unless such claim shall be evidenced by a voucher approved by the head of the department for which the indebtedness was incurred, and countersigned by the City Manager. Before issuing such voucher the supplies and materials delivered, or work done, shall be duly inspected and certified to by the head of the proper department or office, or by a person designated by him. The head of each department or office shall require proper time reports for all services rendered, to be certified by those having cognizance thereof, to serve as a basis for the preparation of payroll vouchers. Each head of a department and his surety shall be liable to the City for loss or damage sustained by the City by reason of the neglect or corrupt approval of any claim against the City, in his department. Prior to drawing of a warrant for the payment of any voucher or claim, the City Auditor may, at his discretion, cause an investigation or inspection to be made, by a person designated by him, and shall have power to summon persons and examine them under oath or affirmation, which oath or affirmation he shall administer.

CERTIFICATION OF FUNDS

SECTION 26. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the City Commission, or be authorized by any officer of the City, unless the City Auditor first certify to the City Commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certification shall be filed and immediately recorded. The sum so certified shall thereafter be considered appropriated until the City is discharged from the contract, agreement or obligation.

MONEY IN THE FUND

SECTION 27. For the purpose of the certificate provided for in the preceding section, no money shall be deemed in the fund unless the money is actually in the Treasury of the City, and appropriated for the particular fund from which it is to be drawn.

PURCHASING AGENT

SECTION 28. The City Manager shall be the Purchasing Agent of the City. All purchases or supplies for the City shall be made by him and he shall approve all vouchers for the payment of same. Said Purchasing Agent shall conduct all sales of personal property which the City Commission may authorize to be sold as having become unnecessary or surplus for the City's use.

All purchases and sales shall conform to such regulations as the City Commission may from time to time prescribe. Where purchases or sales are made on account of separate departments the Purchasing Agent shall apportion the charge or credit to each department. He shall be responsible for the delivery of supplies to each department and take and retain the receipt of each department therefor.

TRUSTEES OF SINKING FUND

SECTION 29. The Board of Trustees of the Sinking Fund as now organized and existing shall continue, and such Board and all matters pertaining thereto shall be governed by the general laws of the State in effect January 1, 1918, unless the same be changed by ordinance, excepting that the members of said Board shall serve without pecuniary compensation. The present members of said Board shall continue to serve their unexpired terms; but their successors shall be appointed to fill the vacancies in said Board shall be filled by the City Commission.

VICE

SECTION 30. The City Commission shall establish Civil Service rules for appointment, promotion, reduction or removal of all officers and employees in the classified service of the City, which classified service shall consist of all members of the Police and Fire Departments, and all other positions in the Civil Service which the City Commissioners may deem practical, to determine the merit and fitness of applicants by competitive examinations in accordance with the provisions of the Constitution of the State of Ohio.

SECTION 31. Civil Service rules when adopted by the City Commission shall, among other things, provide:

(a) For the appointment of a Civil Service Eligibility Board to consist of three members. The terms of the members when the first appointments are made shall be so arranged as to expire one every two years, and each appointment thereafter upon the expiration of any term, shall be for six years. The City Commission shall also fill any vacancy for any unexpired term. The members of the Board shall serve without pecuniary compensation. Said Civil Service Eligibility Board shall, by means of open competitive tests, ascertain the relative fitness of all applicants for appointment to any position in the Police and Fire Departments, and of applicants for such other offices and positions as the City Commission may place in the classified service. A list of those eligible for each position with the respective grades and rank shall be filed with the City Auditor and shall be open to public inspection, and all appointments to positions in the classified service shall be made from such eligibility list.

(b) For a period of probation not exceeding six months before an appointment or employment in the classified service shall be made permanent.

(c) That promotion from the lower grades to the higher grades shall be based upon competitive examinations and records of efficiency and character. Whenever found practicable the vacancies shall be filled by promotion, but this is not compulsory.

(d) That all appointments and promotions in the Police and Fire Departments shall be subject to the approval of the City Commission.

(e) For the prevention of undue political activity on the part of persons in the classified service, no person in the classified service shall, directly or indirectly, solicit or receive any fund, assessment or subscription for any political party or political purpose, nor take any active part in any political campaign.

(f) That any officer or employee in the classified service may be removed, suspended or reduced in rank by the City Manager for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by proper authority or for any other just or reasonable cause which will promote the efficiency of the service; but if any officer is suspended, removed or reduced in rank, as herein provided, the City Manager shall forthwith in writing certify the facts, together with the cause of the removal, suspension or reduction, to the City Commission, who, within five days from the receipt thereof, proceed to inquire into the cause of such removal, suspension or reduction and render judgment thereon. The judgment of the City Commission in such matters shall be final.

HEALTH OFFICER

SECTION 32. The City Manager shall be the Health Officer of the City and shall perform the duties of such officer as required by the general laws and regulations of the State of Ohio, applicable thereto, and such other duties as may be prescribed by the City Commission. The City Manager shall be empowered to appoint as many members of the Police Department to act as Sanitary Officers as he may deem necessary, and such members of the Police Department, so designated and appointed, shall serve without any additional compensation. At any time the City is threatened with an epidemic or the health of the City is endangered by reason of the existence of a contagious disease or diseases, or for any other just and reasonable cause, the City Manager may employ a reputable physician who shall have been actively engaged as a practicing physician in the practice of medicine in the City of Gallipolis, continuously, for a period of not less than three years prior to his appointment. The compensation so paid such appointee shall be approved by the City Commission.

SALARIES AND BONDS

SECTION 33. The City Commission shall fix by ordinance the salary or rate of compensation for all officers or regular employees of the City entitled to compensation, other than their own; and may require any officer or employee to give bond for the faithful performance of his duty, in such an amount as it may determine, and it may provide that the premium therefor shall be paid by the City.

GENERAL DISQUALIFICATIONS

SECTION 34. No member of the City Commission, City Manager or any other officer or employee of the City shall directly or indirectly be interested in any contract, job, work or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City, other than his fixed salary or compensation; and any contract with the City in which any such officer or employee is, or becomes, interested may be declared void by the City Commission.

No member of the City Commission, the City Manager or other officer or employee of the City shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm or corporation operating a public utility or engaged in business within the City, or from any person known to him to have, or to be endeavoring to secure a contract with the City. But the provisions of this section shall not apply to the transportation of policemen or firemen in uniform or while wearing their official badges, when the same is, or may be, provided by ordinance.

SECTION 35. Neither the City Manager, nor any other appointive officer or employee of the City shall take any active part in securing, or contribute any money toward, the nomination or election of any candidate or candidates for the office of City Commissioner excepting to answer such questions as may be put to him and as he may desire to answer.

PENALTIES

SECTION 36. The provisions of the last two preceding sections shall not be considered exclusive, but as in addition to any other provisions of the general laws of the State applicable to the case; and a violation of any provision of either of such sections shall subject the offender to removal from his office or employment, and to punishment by a fine of not exceeding One Hundred Dollars.

APPROPRIATIONS—ANNUAL BUDGET

SECTION 37. The Fiscal Year of the City shall begin on the first day of January. Not later than a month before the end of each fiscal year, the City Manager shall prepare and submit to the City Commission an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and divisions of the City government, on uniform blanks to be furnished by the City Manager.

The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional division of all departments and shall present the following information:

(a) An itemized statement of the appropriations recommended by the City Manager for current expenses and for permanent improvements for each department and each division thereof for the ensuing fiscal year, with comparative statements in parallel columns, of the appropriations and expenditures for the current and next preceding fiscal year, and the increase or decrease in the appropriations recommended.

(b) An itemized statement of the taxes required and of the estimated revenues of the City from all other sources for the ensuing fiscal year, with comparative statements in parallel columns, of the taxes and other revenues for the current and next preceding fiscal year, and the increases or decreases estimated or proposed.

(c) A statement of the financial condition of the City.

(d) Such other information as the City Commission may direct or the City Manager may deem advisable.

The budget shall be made a part of the record of the City Commission, and notice that the same has been submitted to the City Commission shall be given in the manner and form provided for other advertisements.

APPROPRIATION ORDINANCE

SECTION 38. Upon receipt of such annual budget, the City Commission shall prepare an appropriation ordinance, but before finally acting upon such tentative appropriation, the City Commission shall fix a time and place of holding a public hearing upon the tentative appropriation, and shall give public notice of such hearing.

The City Commission shall not pass the appropriation ordinance until ten days after such public hearing nor in any case shall it pass such ordinance earlier than the tenth day of January of each year.

Before the annual appropriation ordinance has been passed the City Commission, with the approval in writing of the City Manager, may make appropriations for current departmental expenses, chargeable to the appropriations of the year, when passed, to an amount sufficient to cover necessary expenses of the various departments until the annual appropriation is in force.

No other liabilities shall be incurred by any officer or employee of the City, except in accordance with the provisions of the annual appropriation ordinance, or under continuing contracts and loans authorized under the provisions of this Charter. The total amount of appropriations shall not exceed the estimated revenue of the City. At any meeting after the passage of the appropriation ordinance, upon request of the City Manager, and after at least one week's public notice, the City Commission by unanimous vote may amend such ordinance, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

UNENCUMBERED BALANCES

SECTION 39. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to future appropriation. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriations made by the City Commission, but nothing in this or any preceding section of this Charter shall be construed to authorize the application of revenue derived from a public utility of the City to any other purpose than that of the utility from which the same is derived.

IMPROVEMENTS CONTRACTS—LIMITATION OF ASSESSMENT

SECTION 40. In levying special assessments to pay any part of the cost of any public work or improvement, the City Commission shall not exceed any limitation as to amount prescribed by the general laws of the State applicable to municipalities. Unless for special reason which shall be stated in the ordinance levying an assessment or providing for the issue of bonds to pay any part of any such improvement to be made pursuant to contract, no such ordinance shall be passed, or assessment levied, or money borrowed, until sealed competitive bids for the labor and material have been received and the approximate cost of the improvement determined.

IMPROVEMENT BY DIRECT LABOR

SECTION 41. Nothing in the preceding section shall be construed to prohibit the City Commission from doing any public work or making any public improvement by the direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, but the City Commission may by ordinance or resolution cause any public work or improvement to be done or made in such manner.

SEWER, WATER AND GAS CONNECTIONS

SECTION 42. Before paving or otherwise surfacing or resurfacing any street or alley of the City, the City Commission shall determine the time within which sewer, water, gas or other connections shall be constructed, and shall give notice thereof to the persons or corporations required to make the same, and if a person or corporation fails to make such connection when so required, no permission to make the same shall thereafter be granted within five years from the completion of any such improvement unless

resolution adopted at a regular meeting of the City Commission, and stating the reason therefor. The City Commission shall, if they deem the same necessary, provide for any such connections to be made and the cost thereof assessed against the lots and lands specially benefited thereby.

CONTRACTS

SECTION 43. The City Manager may make any contract or purchase supplies or material, or provide labor for any work in any department, not involving more than Five Hundred Dollars. When any expenditure within any department other than the compensation of persons employed therein exceeds Five Hundred Dollars, such expenditure shall first be authorized and directed by ordinance or resolution of the City Commission, and, when so authorized and directed, the City Manager shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation in the City of Gallipolis, Ohio. Provided that in the purchase of any supplies for any of the departments, the City Commission may, if an exigency exists, dispense with the advertisement for bids and authorize the City Manager to enter into a contract with the lowest and best bidder in any sum in excess of Five Hundred Dollars, but no such contract shall be entered into until authorized by the City Commission, by resolution or ordinance which shall set forth the necessity for such action and shall not authorize any other contract than for supplies. All bids shall be sealed and shall be opened at twelve o'clock, noon, on the last day for filing the same, by the City Manager at his office in the City of Gallipolis, Ohio, and be publicly read by him. Each bid shall contain the full name of every person or company interested in the same and shall be accompanied by a sufficient bond or certified check on some solvent bank, so conditioned that if the bid is accepted, a contract will be entered into and the performance of it properly secured. If the work bid for embraces both labor and material, they shall be separately stated, with the price therefor. The City Manager shall report all the bids to the City Commission at its next regular meeting and shall recommend which, if any, bids shall be accepted. The City Commission, regardless of the recommendation of the City Manager, may reject any or all bids. No such contract shall be entered into by the City Manager until the approval thereof by the City Commission has been first had and obtained.

The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price in cash. Where a bonus is offered for the completion of a contract prior to a specified date, the corporation may exact a pro rata penalty in like sum for every day of delay beyond the specified date. Where there is reason to believe that there is collusion or combination among bidders, the City Manager shall reject the bids of those concerned therein.

Whenever it becomes necessary in the opinion of the City Manager in the prosecution of any work or improvement under contract to make alterations or modifications in such contract such alterations or modifications shall only be made by such City Manager after the same have been authorized by resolution or ordinance of the City Commission; but such resolution shall be of no effect until the price to be paid for the work and material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and the City Manager on behalf of the corporation. And no contractor shall be allowed to recover anything for work or material, caused by an alteration or modification, unless such contract is made as aforesaid; nor shall he, in any case, be allowed, or recover for such work and material, or either, more than the agreed price.

TIME OF MAKING CONTRACTS

SECTION 44. The City Commission shall not authorize or enter into any contract which is not to go into full operation during the term for which all of the members of the City Commission are elected unless upon the written recommendation of the City Manager by the affirmative votes of all members of the City Commission.

BIDS IN EXCESS OF ESTIMATE

SECTION 45. No contracts shall be awarded upon bids which exceed the estimate for the improvement contemplated.

CONTRACTS—WHEN VOID

SECTION 46. All contracts, agreements or other obligations entered into, and all ordinances passed or resolutions adopted contrary to the provisions of the preceding sections shall be void.

FRANCHISES—GRANTS LIMITED

SECTION 47. No grant, or renewal thereof, to construct and operate a public utility in the streets and public grounds of the City shall be made by the City Commission to any individual, company or corporation in violation of any of the limitations in this Charter.

PERIOD OF GRANTS

SECTION 48. No such grant shall be exclusive, nor shall it be made for a longer period than twenty years. No such grant shall be renewed earlier than two years prior to its expiration unless the City Commission shall by a vote of all of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the rights to make extensions of any public utility shall be subject, as far as practicable, to the terms of the original grant, and shall expire therewith.

ASSIGNMENT

SECTION 49. No such grant shall be leased, assigned or otherwise alienated except with the express consent of the City Commission.

RIGHT OF PURCHASE

SECTION 50. All such grants shall reserve to the City the right to purchase or lease all the property of the utility used or useful for the operation of the utility at specified intervals of not more than five years to be stated in the ordinance, at a price fixed, either in the ordinance making the grant, or to be fixed in the manner provided by such ordinance, which price shall in no event include any value for the grant. Nothing in said ordinance shall prevent the City by acquiring such property by condemnation proceedings or in any other lawful manner, which right shall be in addition to those reserved in such ordinance. Upon acquisition of such property by purchase, condemnation or otherwise, all grants shall at once terminate.

EXTENSION BY ANNEXATION

SECTION 51. It shall be provided in every such grant that upon the annexation of any territory to the City the portion of such utility that may be located within such annexed territory and upon the streets, alleys, or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

CONSENTS

SECTION 52. No consent of the owner of the property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

RIGHT OF REGULATION

SECTION 53. The City Commission shall at all times control the distribution of space in, over, under or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the City Commission, to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues or highways of the City, as shall in the opinion of the City Commission be necessary in the public interest.

FORFEITURES

SECTION 54. If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside or have declared void any

of the terms of any grant, the same shall be forfeited and annulled by the City Commission by ordinance. All such grants shall be subject to the declaration of a forfeiture by the City Commission for the violation by the grantee of any of the terms of the grant. Any failure on the part of the grantee of any such grant to comply with all the terms and conditions of the grant in an efficient, careful and business-like manner shall operate as a forfeiture at the option of the City Commission.

ACCOUNTS AND REPORTS

SECTION 55. Every person or corporation operating a public utility within the City limits, whether under a grant heretofore or hereafter obtained, shall keep and maintain at some place within the City suitable and complete books of accounts, showing in detail the assets, financial obligations, gross revenue, net profits and all operations of such utility which are usually shown by a complete system of bookkeeping. Each person or corporation under a City franchise, within six days after the end of each fiscal year, unless the City Commission shall extend the time, shall file with the City Commission a report of the preceding fiscal year showing the gross revenue, the net profits, expenses of repairs, betterments and additions, amount paid for salaries, amount paid for interest and discount, other expenses of operation, and such other information, if any, as the City Commission may from time to time may prescribe. The City Commission may also prescribe the form for such reports.

It shall be the duty of such person or corporation to furnish the City Commission with such supplementary or special information about its affairs as the City Commission may demand; and the City Commission, or its authorized representative, shall at any and all reasonable times have access to all the books, records and papers of each and every such person or corporation, with the privilege of making copies of same, or any part thereof. The duties herein prescribed may be specifically enforced by appropriate legal proceedings; and in addition, each such person or corporation, for failure to comply with the provisions of this section, shall be liable to the City in the sum of Twenty-Five Dollars per day for each day of such failure, and Twenty-Five Dollars to be recovered in a civil action in the name of the City.

The provisions of this section do not apply to any utility extending in its operation to other communities, not properly suburban to the City of Gallipolis, Ohio; but the City Commission, by ordinance, may make the same, or any part thereof, applicable to the portion of any utility operated within the limits of the City.

GRANTS NOT INCLUDED

SECTION 56. Revocable permits for laying spur tracks across or along streets, alleys or public grounds, to connect a steam, electric or other railroad with any property in need of switching facilities, shall not be regarded as a grant within the meaning of this Charter, but may be permitted with such terms and conditions as the City Commission may by ordinance prescribe.

GENERAL PROVISIONS

SECTION 57. Nothing in this Charter contained shall operate in any way except as herein specifically stated, to limit the City Commission in the exercise of any of its lawful powers respecting public utilities, or to prohibit the City Commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this Charter or the Constitution of the State.

ELECTIONS—TIME OF HOLDING ELECTIONS

SECTION 58. The first election of officers under this Charter shall be held on the first Tuesday after the first Monday in November, the year 1917, and the officers so elected shall take office on the first day of January, 1918. Thereafter, regular municipal elections shall be held on the first Tuesday after the first Monday in November of every fourth year. The first primary election hereunder shall be held October 23rd, 1917. Thereafter a primary election shall be held the third Tuesday before the day prescribed by the general laws for holding municipal elections, until otherwise provided by ordinance of the City Commission. Any matter which may be submitted to the electors of the City at any special election may be submitted at a primary election or at a regular municipal election.

BALLOTS

SECTION 59. The ballots used in all elections provided for in this Charter shall be without party marks or designations. The whole number of ballots to be printed for any primary or regular election for the nomination or election of candidates for the office of City Commissioner shall be divided by the number of such candidates, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first an equal number of times. These ballots shall then be combined into tablets with the fewest possible ballots having the same order of names printed thereon together in the same tablet. Spaces equal in number to the position to be filled by election shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote. The ballots shall in all other respects conform as nearly as may be to the ballots prescribed by the general election laws of the State.

PETITION FOR PLACE ON PRIMARY BALLOT

SECTION 60. Candidates for the office of City Commissioner shall be nominated only by a non-partisan primary election. The name of any elector of the City shall be printed upon the primary ballot if there is filed with the election authorities prescribed by law a declaration and certificate, in accordance with the following forms and provisions, to-wit:

All nominations for offices and places on the primary ballot, unless otherwise provided by this Charter, shall be by filing of declarations of candidacy and certificates, which shall be filed with the Board of Deputy State Supervisors at least twenty days before the day of holding the primary election. Such declarations of candidacy shall be signed and acknowledged by the person desiring to become a candidate, and shall be accompanied by the certificate of five electors of the municipality, and shall be in the form hereinafter provided.

SECTION 61. The form of the declaration and certificate shall be as follows:

DECLARATION

I, _____ hereby declare that I am a resident of the City of Gallipolis, State of Ohio, and a qualified elector of such municipality. I have been an elector for the past five years and am a candidate for nomination to the office of _____, to be made at the primary election to be held on the _____ day of _____, 19____, and hereby request that my name be printed upon the official primary ballot as prescribed by law. I further declare that, if nominated and elected, I will qualify as _____ and that I will perform the duties of such office to the best of my ability and understanding.

Dated this _____ day of _____, 19____.

Signature of Candidate.

State of Ohio, County of Gallia, ss.

Personally appeared before me, the undersigned, a _____ in and for said County, this _____ day of _____, 19____, the above named _____, who acknowledged the signing of the above declaration to be his free act and deed and that the statements made therein were true as he verily believed.

Witness my hand and official seal on the day and year last aforesaid.

(Seal)

Official character.

CERTIFICATE

We, the undersigned, qualified electors of the City of Gallipolis, Ohio, hereby certify that _____, who resides at No. _____ on _____ (Avenue or Street), and who is a candidate for the office of _____, to be voted for at the primary next hereafter to be held, is a duly qualified elector of the City of Gallipolis, Ohio, and is well qualified to perform the duties of the office for which he is a candidate.

Signed, _____

State of Ohio, County of Gallia, ss.

Personally appeared before me, the undersigned, a _____ in and for said County, this _____ day of _____, A. D. 19____, the above named _____, _____, and _____, who each severally acknowledge the signing of the above certificate to be his free act and deed and that he believes the statements therein were true as he verily believed.

Witness my hand and seal this day and year last aforesaid.

(Seal) _____ Official character.

Such declarations and certificates shall not be signed more than thirty days before the day of such primary election and such declaration and certificate shall be filed with the election authorities not less than twenty days prior or previous to the day of such election.

ELECTION

SECTION 62. The candidates for nomination to the office of City Commissioner who shall receive the greatest vote in such primary election shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in the City Commission to be filled, and the candidates at the regular municipal election, equal in number to the places to be filled, who shall receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for the office of City Commissioner shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the State.

Nothing in any of the preceding sections shall prohibit any duly qualified elector of the City of Gallipolis, Ohio, from becoming a candidate for any office in the City within three days after the primary in any manner provided by the general election laws of the State. The day of the primary shall not be included in computing the time. Provided, however, that the provisions of the General Code of Ohio as to the time within which nomination papers may be filed shall not apply to nomination by petition or nomination papers under this section, but all nomination papers and petitions shall be filed within the time prescribed herein.

SECTION 63. All elections shall be conducted, and the results canvassed and certified by the election authorities prescribed by general election laws, and all other matters relative to primaries and elections not herein contained or by ordinance of the City Commission specifically provided for shall be determined by the general election laws of the State.

THE INITIATIVE—PROPOSED PETITION

SECTION 64. Any proposed ordinances, including ordinances for the repeal or amendment of an ordinance then in effect may be submitted to the City Commission by petition signed by at least five per cent of the total number of voters in the municipality. All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full and shall have printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named.

Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition, opposite his name, the date of his signature and his place of residence by voting precinct and by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof, stating the number of signatures to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant and on the date indicated.

TIME OF FILING

SECTION 65. All papers comprising a petition shall be assembled and filed with the Clerk of the City Commission as one instrument, within one hundred and twenty days from the date of the first signature thereon, and when so filed, the Clerk shall submit the same to the City Commission at its next regular meeting and the provision shall be made for public hearings upon the proposed ordinance.

PETITION FOR ELECTION

SECTION 66. The City Commission shall at once proceed to consider such petition and shall take final action thereon within thirty days from the date of submission. If the City Commission rejects the proposed ordinance or passes it in a different form from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners, by written demand filed with the Clerk of the City Commission not later than twenty days after final action or inaction by the City Commission, may require that the proposed ordinance be submitted to a vote of the electors in its original form, if, with or prior to such demand, a petition for such election, signed after the final action or inaction of the City Commission, is filed with such Clerk bearing additional signatures of five per cent of the electors of the city, none of whom were signers of the first petition, such Clerk shall forthwith cause notice of the filing of such demand and petition to be published in some newspaper of general circulation in the City and shall also, within five days, certify to the officers having control of the elections, the proposed ordinance, stating whether or not a special election demanded in the petition, the percentage of voters who signed the two petitions in the aggregate, and the date on which he published the notice last mentioned.

TIME OF HOLDING ELECTION

SECTION 67. If an election is to be held not more than three months nor less than thirty days after the publication of such notice by the Clerk, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the election officers shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than sixty days nor earlier than thirty days after the publication of such notice, if the petition for such ordinance and the petition for such election so demanded, and if the signers of the two petitions amount in the aggregate to at least twenty-five per cent of the voters of the city; otherwise the same shall be submitted at the next regular or special election. At least ten days before any such election the Clerk of the City Commission shall cause such proposed ordinance to be published.

BALLOTS

SECTION 68. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two propositions, "For the Ordinance" and "Against the Ordinance." Immediately at the left of each proposition there shall be a square in which by making a cross (x) the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City.

DUTY OF THE CITY SOLICITOR

SECTION 69. Before any ordinance so proposed shall be submitted to the City Commission, it shall first be approved as to its form by the City Solicitor, whose duty it shall be to draft such proposed ordinance in proper legal language, and to render such other service to persons desiring to propose such ordinance as shall be necessary to make the same proper for consideration by the City Commission.

AMENDMENTS AND REPEAL

SECTION 70. No ordinance adopted by an electoral vote can be repealed or amended except by an electoral vote. But an ordinance to repeal or amend any such ordinance may, by resolution of the City Commission, be submitted to an electoral vote at any regular election, or at any special municipal election called for some other purpose, provided notice of the intention so to do be published by the City Commission not more than sixty days nor less than thirty days prior to such election, in the manner required for the publication of ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner and the vote shall have the same effect, as in cases or ordinances submitted to an election by popular petition.

THE REFERENDUM—PETITION FOR REFERENDUM

SECTION 71. If at any time within the period stated in Section 13 before any particular ordinance or resolution shall be in effect, a petition signed by fifteen per cent of the total number of voters in the municipality be filed with the Clerk of the City Commission, requesting that any such ordinance be repealed or amended as stated in the petition, it shall not become operative until the steps indicated herein have been taken. Such petition shall have stated therein the names and addresses of at least five electors as a committee to represent the petitioners.

Referendum petitions need not contain the text of the ordinance or ordinances the repeal of which is sought; but shall contain the proposed amendment, if an amendment is demanded, and shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the City Commission. Ballots used in referendum elections shall conform in all respects to those provided for in Section 68 of this Charter.

PROCEEDINGS THEREUNDER

SECTION 72. The Clerk of the City Commission shall, at its next meeting, present the petition to the city Commission, which shall proceed to reconsider the ordinance. If, within thirty days after the filing of such petition, the ordinance be not repealed or amended as requested, the City Commission shall provide for submitting the proposed repeal or amendment to a vote of the electors, provided a majority of the Committee named in the petition to represent the petitioners shall, by writing filed with the Clerk of the City Commission within twenty days after the expiration of the said thirty days, so require. In so doing the City Commission shall be governed by the provisions of Sections 64, 65, 66, 67 and 68 hereof respecting the time and the manner of voting on ordinances to the City Commission by petition; excepting that the question of calling a special election for such purpose shall be determined by the demand and number of signers of the petition requesting the repeal or amendment of such ordinance, which number shall be twenty-five per cent of the voters; and excepting further that the City Commission may call, and fix the time for, a special election for such purpose, if in its judgment the public interest will be prejudiced by delay.

If, when submitted to a vote of the electors, such repeal or amendment be approved by a majority of those voting thereon, it shall thereupon go into effect as an ordinance of the city; but if any such amendment is clearly separable from the remainder of the ordinance and does not materially affect the other provisions of such ordinance, all sections of the ordinance, except that sought to be amended and those dependent thereon, shall take effect as though no referendum or any portion of the ordinance has been demanded.

REFERENDUM ON INITIATED ORDINANCES CONFLICT

SECTION 73. Ordinances submitted to the City Commission by initiative petition and passed by the City Commission without change, or passed in an amended form and not required to be submitted to a vote of the electors by the committee of the petitioners shall be subject to the referendum in the same manner as other ordinances. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

EMERGENCY MEASURES

SECTION 74. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action there-

licenses issued under and by authority of the City Commission shall be deemed sufficient authority, but the City Commission shall have the ordinance, of any expense incurred to issue licenses under the ordinance.

PRELIMINARY ACTION

SECTION 75. In case a petition be filed requiring that a measure passed by the City Commission providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditures, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

OFFENSES RELATING TO PETITIONS

SECTION 76. No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for initiative, referendum, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the City. Nor shall any person employ or pay another, or accept employment or payment, for circulating any initiative or referendum petition upon the basis of the number of signatures procured thereto. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not exceeding One Hundred Dollars and the costs of prosecution. The foregoing provision shall not be held to be exclusive of but in addition to, all laws of the State of Ohio prescribing penalties for the same offenses or for other offenses relating to the same matter.

MISCELLANEOUS PROVISIONS—FIRST SECTION

SECTION 77. In order that the provisions of this Charter may be put in full force and effect from and after January 1st, 1918, three City Commissioners and the City Solicitor shall be elected on the first Tuesday after the first Monday in November, 1917. At the first primary election, there shall be selected not more than six (6) candidates chosen in accordance with the general primary provisions of this charter.

GENERAL LAWS TO APPLY

SECTION 78. All general laws of the state applicable to municipal corporations which are in effect January 1st, 1918, and which are not in conflict with the provisions of this Charter, or with ordinances or resolutions hereafter enacted by the City Commission, shall be applicable to this City, but nothing contained in this Charter shall be construed as limiting the power of the City Commission to enact any ordinance or any resolution not in conflict with the Constitution of the State or with the express provisions of this charter.

ORDINANCES CONTINUED IN FORCE

SECTION 79. All ordinances and resolutions in force at the time of taking effect of this Charter not inconsistent with its provisions, shall continue in force and effect until amended or repealed.

CONTINUANCE OF PRESENT OFFICERS

SECTION 80. All persons holding office at the time this Charter is adopted shall continue in office and in the performance of their duties until provisions shall have been made otherwise in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provisions shall have been made the term of any officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, board or department of the City under the laws of the State, or under any City ordinance or contract in force at the time of the taking effect of this act shall, if such office of department is abolished by this Charter, be thereafter exercised and discharged by the City Commission, officer, board or department upon whom are imposed corresponding functions, powers and duties of this Charter, or by any ordinance of resolution of the city.

CONTINUANCE OF CONTRACTS AND VESTED RIGHTS

SECTION 81. All vested rights of the City shall continue to be vested and shall not in any manner be affected by the adoption of this Charter, nor shall any right or liability or pending suit or prosecution, either in behalf of or against the City, be in any manner affected by the adoption of this Charter, unless otherwise herein expressly provided to the contrary. All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. All public work

begun prior to the taking effect of this Charter shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

OATH OF OFFICE

SECTION 82. All persons before taking office shall take the oath of office prescribed by law, but the oath of office of the City Commissioner shall be in writing and be filed with the City Auditor and shall contain the affidavit that in his candidacy for nomination and election he has not violated any provision of Section 4 of this Charter.

AMENDMENT OF CHARTER

SECTION 83. Amendments to this Charter may be submitted to the electors of the city by a two-thirds vote of the City Commission, and, upon petition signed by ten per cent of the electors of the City, setting forth any such proposed amendment, shall be submitted by such City Commission. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors at the next regular municipal election, if one shall occur not less than sixty nor more than one hundred and twenty days after its passage. Otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty days prior to such election, the clerk of the City Commission shall mail a copy of the proposed amendment to each elector whose name appears upon the polls or registration books of the last regular or general election. If such proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed therein.

SAVING CLAUSE

SECTION 84. If any Section or part of a Section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other Section or part of a Section of this Charter, unless it clearly appears that such other Section or part of Section is wholly or necessarily dependent for its operation upon the section or part of a Section so held unconstitutional or invalid.

NON-PARTISAN ADMINISTRATION

SECTION 85. The object and aim of this Charter is to procure an honest and efficient administration of the affairs of the City of Gallipolis, Ohio, free from partisan distinction or control; and the municipal authorities of the City shall construe that provisions of this Charter with that aim in view.

WHEN CHARTER TAKES EFFECT

SECTION 86. For the purpose of nominating and electing officers and all purposes connected therewith and for the purpose of exercising powers of the City as provided herein, this Charter shall take effect from the time of its approval by the electors of the City. For the purpose of establishing departments, divisions and offices, and distributing the functions thereof, and for all other purposes it shall take effect on the first day of January, 1918.

We the undersigned members of the Charter Commission of the City of Gallipolis, Ohio, elected at a special election held on the 8th day of May, 1917, have framed and hereby propose the foregoing Charter for the City of Gallipolis, Ohio.

Done in triplicate in the City of Gallipolis, Ohio, this 8th day of June, A. D. 1917.

THE CHARTER COMMISSION

F. M. BOVIE, *President*
H. W. CHERRINGTON, *Secretary*
J. L. HASKINS
G. P. CALLAHAN
M. F. MERRIMAN
J. V. LEE
L. C. BEAN
S. H. EAGLE
J. A. LUPTON
JOHN V. DALE
ED. H. KUHN
C. R. NIDAY
W. R. HOWELL
W. R. WHITE
H. F. BROTHERS

